

REMARKS

Applicant respectfully requests reconsideration. Claims 1, 6-19, 21-24, 76-91, and 110-113 were previously pending this application. Claims 1, 6-19, 21-24, 76-91, and 110-113 are pending for examination with claims 1 and 76 being independent claims.

Rejections of Claims Over Dumbauld Under 35 U.S.C. §102(b)

Claims 1, 6-13, 17-19, 21-23, 110, and 111 were rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,070,111 (Dumbauld).

Dumbauld fails to teach or make obvious a foam article having a complete submersion water absorption of less than 35 percent as recited in claim 1.

It appears that the water absorption testing described in Dumbauld was conducted without any vacuum being applied and, thus, does not relate to complete submersion water absorption values. In the context of the present application, “complete submersion water absorption,” is measured by completely immersing an entire sample in water under high vacuum, for example according to ASTM D 1056 Sections 42 through 48 (See page 6, last paragraph). The vacuum is placed on the sample (not in the environment above the water as suggested in the Office Action) and, thus, enhances water absorption into the sample. In the absence of a vacuum, less water would be drawn into the sample and, thus, the water absorption values in Dumbauld would be significantly lower than values measured on the same sample using a “complete submersion” test as described in the present application.

Therefore, the water absorption values disclosed in Dumbauld do not anticipate, or even make obvious, the values claimed in the present application which were obtained using a complete submersion water absorption test with an applied vacuum following procedures noted in the application. Claim 1, and its dependent claims, recite a complete submersion water absorption value and, thus, are patentable in view of Dumbauld. Accordingly, Applicant respectfully requests withdrawal of the claim rejections on this ground.

Rejections of Claims Over Dumbauld Under 35 U.S.C. §102(b) or, in the alternative, Under §103(a)

Claims 14-16, 24, 76-91, 112, and 113 were rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over Dumbauld.

As noted in the Office Action, Dumbauld does not disclose any values from U-test water absorption. Applicant respectfully disagrees that the claimed U-test values would have been inherent in the material described in Dumbauld. Applicant sees no reason why the claimed U-test water absorption would have been met in Dumbauld, particularly since, as noted above, the water absorption testing in Dumbauld appears to have been done without any vacuum applied to the ends of the articles. Claim 76, its dependent claims, and the claims dependent from claim 1, recite a U-test water absorption value, and, thus, are patentable in view of Dumbauld.

Accordingly, Applicant respectfully requests withdrawal of the claim rejections on this ground.

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Respectfully submitted,

By 

Robert H. Walat

Registration No.: 46,324

WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

617-646-8000